

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL	§	No. 12-md-2323 (AB)
LEAGUE PLAYERS' CONCUSSION	§	
INJURY LITIGATION	§	MDL No. 2323
	§	
-----	§	
	§	
	§	SHORT FORM COMPLAINT
THIS DOCUMENT RELATES TO:	§	
	§	IN RE: NATIONAL FOOTBALL
Plaintiffs' Master Administrative Long-	§	LEAGUE PLAYERS'
Form Complaint and	§	CONCUSSION INJURY
	§	LITIGATION
ERIC DICKERSON, ET AL	§	
	§	
V.	§	
	§	
THE NATIONAL FOOTBALL LEAGUE	§	
NO. 4:12-cv-01548	§	
	§	JURY TRIAL DEMANDED

SHORT FORM COMPLAINT

1. Plaintiff(s), Jill Stautner, as Personal Representative of the Estate of Ernie Stautner and (if applicable, Plaintiff's Spouse) _____, bring(s) this civil action as a related action in the matter entitled IN RE: NATIONAL FOOTBALL LEAGUE PLAYERS' CONCUSSION INJURY LITIGATION, MDL No. 2323.

2. Plaintiff (and, if applicable, Plaintiff's Spouse) is/are filing this Short Form Complaint as required by this Court's Case Management Order No. 2, filed April 26, 2012.

3. Plaintiff (and, if applicable, Plaintiff's Spouse), incorporate(s) by reference the allegations (as designated below) of the Master Administrative Long-Form

Complaint, as may be amended, as if fully set forth at length in this Short Form Complaint.

4. [Fill in if applicable] Plaintiff is filing this case in a representative capacity as the Independent Executor of the Estate of Ernie Stautner, Deceased, having been duly appointed as the Personal Representative By the District Court of Eagle County, CO. (Cross out sentence below if not applicable.) Copies of the Letters of Administration/Letters Testamentary for a wrongful death claim are annexed hereto if such Letters are required for the commencement of such a claim by the Probate, Surrogate or other appropriate court of the jurisdiction of the decedent.

5. Plaintiff, _____ is a resident and citizen of _____ and claims damages as set forth below.

6. [Fill in if applicable] Plaintiff's spouse, Jill Stautner, as Representative of the Estate of Ernie Stautner, Deceased, is a resident and citizen of Avon, CO _____ and claims damages as a result of loss of consortium proximately caused by the harm suffered by her Plaintiff husband/decedent.

7. On information and belief, the Plaintiff (or decedent) sustained repetitive, traumatic sub-concussive and/or concussive head impacts during NFL games and/or practices. On information and belief, Plaintiff suffers (or decedent suffered) from symptoms of brain injury caused by the repetitive, traumatic sub-concussive and/or concussive head impacts the Plaintiff (or decedent) sustained during NFL games and/or practices. On information and belief, the Plaintiff's (or decedent's) symptoms arise from injuries that are latent and have developed and continue to develop over time.

8. [Fill in if applicable] The original complaint by Plaintiff(s) in this matter was filed in the USDC, Southern District of Texas, Houston Division. If the case is remanded, it should be remanded to the USDC, Southern District of Texas, Houston Division.

9. Plaintiff claims damages as a result of [check all that apply]:

- ☒ Injury to Herself/Himself;
- ☒ Injury to the Person Represented;
- ☒ Wrongful Death;
- ☒ Survivorship Action;
- ☒ Economic Loss;
- ☒ Loss of Services;
- ☒ Loss of Consortium.

10. [Fill in if applicable] As a result of the injuries to her husband, Ernie Stautner, Plaintiff's Spouse, Jill Stautner, suffers from a loss of consortium, including the following injuries:

- ☒ loss of marital services;
- ☒ loss of companionship, affection or society;
- ☒ loss of support; and
- ☒ monetary losses in the form of unreimbursed costs she has had to expend for the health care and personal care of her husband.

11. [Check if applicable] ☒ Plaintiff (and Plaintiff's Spouse, if applicable) reserve(s) the right to object to federal jurisdiction.

DEFENDANTS

12. Plaintiff (and Plaintiff's Spouse, if applicable) bring(s) this case against the following Defendants in this action [check all that apply]:

- ☒ National Football League;
- ☒ NFL Properties, LLC;
- ☒ Riddell, Inc.;
- ☒ All American Sports, Inc. (d/b/a Riddell Sports Group, Inc.);
- ☒ Riddell Sports Group, Inc.;
- ☒ Easton-Bell Sports, Inc.;
- ☒ Easton-Bell Sports, LLC
- ☒ EB Sports Corporation;
- ☒ RBG Holdings Corporation.

13. [Check where applicable] As to each of the Riddell Defendants referenced above, the claims asserted are: ☒ design defect; ☒ informational defect; ☐ manufacturing defect.

14. [Check if applicable] ☒ The Plaintiff (or decedent) wore one or more helmets designed and/or manufactured by the Riddell Defendants during one or more years Plaintiff (or decedent) played in the NFL and/or AFL.

15. Plaintiff played in [check if applicable] ☒ the National Football League ("NFL") and/or in [check if applicable] ☒ the American Football League ("AFL") during

1950 to 1963 for the following teams: Pittsburgh Steelers

CAUSES OF ACTION

16. Plaintiff herein adopts by reference the following Counts of the Master Administrative Long-Form Complaint, along with the factual allegations incorporated by Reference in those Counts [check all that apply]:

- ☒ Count I (Action for Declaratory Relief – Liability (Against the NFL));
- ☒ Count II (Medical Monitoring [Against the NFL]);
- ☒ Count III (Wrongful Death and Survival Actions [Against the NFL]);
- ☒ Count IV (Fraudulent Concealment [Against the NFL]);
- ☒ Count V (Fraud [Against the NFL]);
- ☒ Count VI (Negligent Misrepresentation [Against the NFL]);
- ☒ Count VII Negligence Pre-1968 Against the NFL);
- ☒ Count VIII (Negligence Post-1968 [Against the NFL]);
- ☐ Count IX (Negligence 1987-1993 [Against the NFL]);
- ☒ Count X (Negligence Post-1994 [Against the NFL]);
- ☒ Count XI (Loss of Consortium [Against the NFL and Riddell Defendants]);
- ☒ Count XII (Negligent Hiring [Against the NFL]);
- ☒ Count XIII (Negligent Retention [Against the NFL]);
- ☒ Count XIV (Strict Liability for Design Defect [Against the Riddell Defendants]);
- ☐ Count XV (Strict Liability for Manufacturing Defect [Against the

Riddell Defendants]);

✓ Count XVI (Failure to Warn [Against the Riddell Defendants]);

✓ Count XVII (Negligence [Against the Riddell Defendants]);

✓ Count XVIII (Civil Conspiracy/Fraudulent Concealment [Against
the NFL Defendants]).

17. Plaintiff asserts the following additional causes of action [write in or
attach]: _____

PRAYER FOR RELIEF

Wherefore, Plaintiff (and Plaintiff's Spouse, if applicable), pray(s) for judgment
as follows:

- A. An award of compensatory damages, the amount of which will be determined at trial;
- B. For punitive and exemplary damages as applicable;
- C. For all applicable statutory damages of the state whose laws will govern this action;
- D. For medical monitoring, whether denominated as damages or in the form of equitable relief;
- E. For an award of attorneys' fees and costs;
- F. An award of prejudgment interest and costs of suit; and

G. An award of such other and further relief as the Court deems just and proper.

JURY DEMANDED

Pursuant to Federal Rule of Civil Procedure 38, Plaintiff(s) hereby demand(s) a trial by jury.

Respectfully submitted,

PROVOST*UMPHREY LAW FIRM, LLP
P. O. BOX 4905
490 PARK STREET
BEAUMONT, TX 77704-4905
TELEPHONE: (409) 835-6000
FACSIMILE: (409) 813-8652

By: /s/Matthew Matheny
Walter Umphrey
State Bar No. 20380000
Matthew Matheny
State Bar No. 24032490
Jacqueline Ryall
State Bar No. 17469445

ATTORNEYS FOR PLAINTIFF(S)

Jul-10-2012 10:16 AM Maricopa, Arizona 9704764463

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EAGLE COUNTY, CO
 TERRY J. SIMONSON
 302 Pgs: 2 06:30:02PM
 REC: \$11.00 DOC: \$

200624853
 09/11/2006



<input checked="" type="checkbox"/> District Court <input type="checkbox"/> Denver Probate Court Eagle County, Colorado Court Address: PO Box 597; 885 Chambers Ave. Eagle, Co 81631	
IN THE MATTER OF <input checked="" type="checkbox"/> THE ESTATE OF: Ernie A. Stautner	EFILED Document Eagle County District Court 5th JD Filing Date: Jun 21 2006 9:11AM MDT Filing ID: 11589936 Review Clerk: Malinda Schierkolk <hr/> COURT USE ONLY <hr/> Case Number: 2006PR61 Division: Courtroom:
<input checked="" type="checkbox"/> Deceased <input type="checkbox"/> Protected Person <input type="checkbox"/> Minor <input type="checkbox"/> Ward	
LETTERS	

JILL L. STAUTNER was appointed or qualified by this Court or its Registrar on JUNE 14, 2006 as:

- ☒ Personal Representative. The decedent died on FEBRUARY 16, 2006.
☐ These are Letters of Administration. (The decedent did not leave a will.)
☒ These are Letters Testamentary. (The decedent left a will.)
- ☐ Special Administrator in ☐ an informal ☐ a formal proceeding. These are Letters of Special Administration.
- ☐ Conservator. These are Letters of Conservatorship.
☐ The protected person is a minor whose date of birth is _____
☐ Special Conservator.
- ☐ Guardian. These are Letters of Guardianship for:
☐ an incapacitated person. ☐ a minor whose date of birth is _____
☐ Emergency Guardian
 (Expires on _____ (date), not more than 60 days after appointment per §15-14-312, C.R.S.)
 Appointment or qualification is by ☐ court order. ☐ will. ☐ written instrument.
- ☐ _____

These Letters evidence full authority, except for the following limitations or restrictions, if any:

Dated: June 14, 2006

Malinda Schierkolk
 JUDICIAL ASSISTANT



Certification Stamp

CERTIFICATION

or

Certified to be a true copy of the original in my custody and to be in full force and effect as of:

Dated: June 21, 2006

Maricopa County
(Deputy) Clerk of Court

